

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LINDA GLENWRIGHT, :

Plaintiff : CIVIL ACTION NO. 3:16-0926
v. : (JUDGE MANNION)

CARBONDALE NURSING HOME, :
INC. d/b/a Carbondale Nursing :
Home and Rehabilitation Center :
and GENESIS ELDERCARE :
NETWORK SERVICES, INC., :

Defendants :

O R D E R

Based on the Memorandum issued this same day, **IT IS HEREBY ORDERED THAT** the defendants' motion to dismiss or, in the alternative, compel arbitration, (Doc. [11](#)), is **GRANTED IN PART** and **DENIED IN PART** as follows:

- (1) The defendants' motion is **GRANTED IN PART** with respect to defendant Carbondale Nursing Home, Inc. ("Carbondale");
- (2) The fee provisions in the parties' arbitration agreement are unenforceable and must be severed from the arbitration agreement;
- (3) The plaintiff and Carbondale are directed to proceed with arbitration on all claims raised in the instant action pursuant to the terms of their arbitration agreement, absent the severed fee provisions;

- (4) The plaintiff and Carbondale are directed to provide the court with quarterly reports commencing June 1, 2017, informing the court of the status of their arbitration proceedings; and,
- (5) The defendants' motion is **DENIED WITHOUT PREJUDICE** with respect to defendant Genesis Eldercare Network Services, Inc. ("Genesis").

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

DATED: March 23, 2017

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